

Message Text

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FM AMEMBASSY MADRID
TO SECSTATE WASHDC 1704
AMEMBASSY PARIS

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DEPT PASS DEA HQS, ATTN: EOIE
PARIS PASS DEA REGIONAL DIRECTOR

E.O. 11652: N/A

TAGS: CPRS, PFOR, SNAR, SP, FR

SUBJ: EXTRADITION: JOSE JIMENEZ CENTOR

REF: A) MADRID 1882 B) STATE 66416 C) PARIS 10318

1. PURSUANT TO APPROVAL IN REF B TO INFORMAL DEMARCHE RECOMMENDED IN REF A, EMBOFF DISCUSSED EXTRADITION CASE OF JIMENEZ CANTOR WITH JUDGE IN CHARGE OF PENAL AFFAIRS, APPEALS AND JURISDICTION DISPUTES IN MINISTRY OF JUSTICE APRIL 30. JUDGE HAD OFFICIAL FILE OF CASE AND SAID THAT SPANISH EMBASSY IN PARIS HAD INFORMED GOS IN FEBRUARY OF TENTATIVE FRENCH DECISION TO EXTRADITE JIMENEZ TO SPAIN AS SOON AS HE COMPLETED PRESENT SENTENCE IN FRANCE. Owing TO INDEPENDENCE OF SPANISH COURTS, JUDGE SAID HE DOUBTED IF COURT HAVING JURISDICTION OF KIMENEZ CASE WOULD ACCEDE TO WITHDRAWAL OF EXTRADITION REQUEST.

2. FOLLOWING EMBOFF'S PRESENTATION ALONG LINES IN PARA 4 OF REF A, JUDGE SAID GOS WOULD RESPECT FRENCH DECISION ON COUNTRY TO WHICH JIMENEZ SHOULD BE EXTRADITED, BE IT SPAIN OR THE U.S. HE NOTED THAT IT WAS INTERNATIONAL PRACTICE, IN THE INTEREST OF JUSTICE, FOR A COUNTRY FROM WHICH TWO OTHER

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COUNTRIES REQUEST EXTRADITION OF A CRIMINAL TO DECIDE IN A

MANNER WHICH WOULD ALLOW SUBSEQUENT TRIAL/SENTENCE IN SECOND COUNTRY FOLLOWING TRIAL/SENTENCE IN FIRST COUNTRY. JUDGE THEN LOOKED UP RELEVANT PROVISION IN FRENCH LAW -- ARTICLE 6 OF LAW OF EXTRADITION ADOPTED MARCH 27, 1927 -- WHICH SPECIFICALLY PROVIDES FOR EXTRADITION TO EITHER OF TWO REQUESTING COUNTRIES PROVIDING THERE IS AGREEMENT WITH EACH THAT THEY WILL EXTRADITE IN TURN CRIMINAL TO SECOND COUNTRY FOLLOWING EXTRADITION FROM FRANCE. THIS SAME ARTICLE PROVIDES THAT DECISION MUST ALSO BE BASED ON (A) DATE OF REQUESTS FOR EXTRADITION, (B) SERIOUSNESS OF CRIME, AND (C) PLACE OF CRIME.

3. JUDGE SAID THAT IT WAS UP TO FRANCE TO DECIDE WHETHER U.S. OR SPAIN SHOULD HAVE JIMENEZ FIRST; SECONDLY FRANCE COULD REQUEST COMMITMENT FROM U.S. TO TURN OVER JIMENEZ TO SPAIN FOLLOWING TRIAL/SENTENCE IN U.S. AS PRECONDITION FOR HIS EXTRADITION TO U.S. ASKED IF SPAIN WOULD HAVE ANY OBJECTION TO THIS PROCEDURE, JUDGE REPLIED NO.

4. IN THE EVENT THAT U.S. WERE UNABLE TO OBTAIN JIMENEZ FROM FRANCE AND HE WAS RETURNED TO SPAIN FOR TRIAL/SENTENCE, JUDGE SAID THIS EVENTUALITY WOULD NOT EXCLUDE SUBSEQUENT SEPARATE TRIAL/SENTENCE UNDER SPANISH LAW BASED ON U.S. EVIDENCE FOR VIOLATION OF U.S. LAWS.

5. IN EMBASSY VIEW, JUDGE'S PRESENTATION OF SITUATION AMOUNTS TO SPANISH ACQUIESCENCE TO STRICT ADHERENCE TO FRENCH LAW LEAVING WAY CLEAR FOR JIMENEZ TO BE EXTRADITED TO U.S. ON CONDITION THAT U.S. GIVE FRENCH PLEDGE THAT, ONCE HAVING STOOD TRIAL IN U.S. AND SUBSEQUENT SENTENCE, THAT HE THEN BE EXTRADITED TO SPAIN. IF EMBASSY PARIS HAS ALREADY REACHED AN INFORMAL UNDERSTANDING WITH FRENCH ON EXTRADITION TO U.S. THEN WAY WOULD SEEM TO BE CLEAR AS LONG AS SPANISH ARE ASSURED, BY MEANS OF U.S. PLEDGE TO FRENCH, THAT THEY WILL EVENTUALLY GET JIMENEZ.

6. EMBASSY MADRID REQUESTS THAT EMBASSY PARIS KEEP US INFORMED OF DEVELOPMENTS.
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